

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

| | | |
|---|---|----------------------------|
| United States of America |) | |
| v. |) | |
| Michael Dwayne Staley |) | Case No: <u>1:06CR13-3</u> |
| |) | USM No: <u>21714-058</u> |
| Date of Previous Judgment: <u>4/5/07</u> |) | <u>M. Victoria Jayne</u> |
| (Use Date of Last Amended Judgment if Applicable) |) | Defendant's Attorney |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 78 months **is reduced to** 65 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

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| Previous Offense Level: <u>23</u> | Amended Offense Level: <u>21</u> |
| Criminal History Category: <u>VI</u> | Criminal History Category: <u>VI</u> |
| Previous Guideline Range: <u>92</u> to <u>115</u> months | Amended Guideline Range: <u>77</u> to <u>96</u> months |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 4/5/07 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 17, 2009

Effective Date: _____
(if different from order date)


Lacy H. Thornburg
United States District Judge

